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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,466	08/30/2001	Tatsuya Ishitobi	16869S-033400US	2834
20350	7590	05/10/2004		
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER HUBER, PAUL W	
			ART UNIT 2653	PAPER NUMBER 9
DATE MAILED: 05/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,466

Applicant(s)

ISHITOBI ET AL.

Examiner

Paul Huber

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-11 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3 & 8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanda (USP-5,206,847).

Regarding claim 1, Kanda discloses a disc recording method, comprising sub-dividing each of first basic recording areas of a disc, to which the disc is divided by a basic recording unit (sector), into second basic recording areas (blocks). See figure 5. "At the start of each of the blocks #0 - #(n-1), there are provided servo bytes, which are divided into 22 servo channel bits" (col. 5, lines 27-30). Therefore, each of the second basic recording areas (blocks) are used as a unit for record servo control, as claimed.

Regarding claim 2, Kanda discloses that "the sub-division of each of the first basic recording areas (sectors) into the second basic recording areas (blocks) is made based on a same number of first clocks reproduced from the respective first basic recording areas (sectors)" as claimed. This claim language is interpreted to mean that each of the second basic recording areas (blocks), contained in a corresponding first basic recording area (sector), has the same number of reference clock cycles as each other. See col. 5, lines 10-36, and see figure 7. See also col. 7, lines 35-37, "in the present embodiment, by initializing the 1/8 frequency divider of the PLL circuit at the start of the sector and confirming the start point of the data area of the block #3, the start point of the next data area is exactly repeated at every 126 counts of the data reference clock pulses."

Regarding claim 3, the disc employs sequential recording basically, and each first basic recording area (sector) is obtained by dividing the disc by the basic recording unit according to disc standards. "The actual recording data of 584 bytes are recorded in or reproduced from each sector constituting a recording unit on the ... disk. Each sector is defined by dividing a track of one turn into a plural number" (col. 5, lines 10-14).

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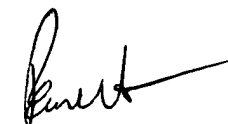
Regarding claim 4, the unit (block) of each second basic recording area is in a range correctable by an ECC (Error Correction Code) block added to data as claimed. See col. 4, line 66 through col. 5, line 2.

Claims 5-11 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record considered as a whole fails to teach or suggest a disc recording method and an apparatus using the method comprising the steps of: starting to count clocks reproduced from each of basic recording areas, as a basic recording unit, of the disc prescribed according to disc standards, the respective basic recording areas reproducing a same number of first clocks, or to count second clocks obtained by multiplying or dividing a frequency of the first clocks, at a starting point of the basic recording area; **adding the obtained count to an address allocated to the relevant basic recording area; detecting a particular basic recording area of the disc and a particular position in the particular basic recording area based on a result of the addition of the count and the address; and controlling based on a result of the detection a position in the basic recording area where recording starts, in units of a sub-area obtained by sub-dividing the basic recording area.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.


Paul Huber
Primary Examiner
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